

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25/09/2003

Coram

The Honourable Mr.Justice P.K.MISRA

Writ Petition No.4324 of 2000

L.Bhuvaneshwaran Petitioner

-Vs-

1. Registrar of Co-operative Societies,
Kilpauk, Chennai-10.

2. Joint Registrar of Co-operative
Societies, Erode, Erode District.

3. Deputy Registrar of Co-operative
Societies, Gobichettipalayam,
Erode District.

4. President, Sathyamangalam Co-op.
Primary Agricultural and Rural
Development Bank Ltd.,
Sathyamangalam-638 402,
Erode District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying
for the issue of Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.C.Selvaraju

For Respondents 1 to 3 : Mrs.Thenmozhi
Shivaperumal

For Respondent 4 : Mr.Rajamohan

:O R D E R

Heard the learned counsels appearing for the parties. One A.
Chandralekha (now dead) was an employee under the fourth respondent.
Disciplinary proceedings were initiated and she was terminated from service.
In the revision, such order was confirmed. While the matter stood thus, the
said Chandralekha expired and the present writ petition has been filed on
behalf of the legal heirs of the deceased-employee.

2. The learned counsel appearing for the petitioner has submitted that without even assuming that the allegations against the deceased-employee had been proved, there was no justification to pass the extreme order of termination from service and the punishment imposed was grossly disproportionate to the nature of delinquency. The learned counsel appearing for the respondents has submitted that because of the negligence of the deceased-employee, certain files could not be produced and therefore, the delinquency of the deceased-employee was viewed very seriously. After having heard the counsels for the parties and after going through the relevant materials on record, I find that comparing to the nature of delinquency, the extreme penalty of termination appears to be grossly disproportionate and such a penalty should not have been imposed. In normal course, I would have directed the respondents to reconsider the question of penalty. However, since the original employee has expired in the meantime, no useful purpose will be served by taking recourse to such a decision. In the facts and circumstances of the present case, I feel that the interest of justice will be served by passing the following order. The order of termination is quashed and it would be taken as if the deceased-employee had been restored in service. Since the employee has died, there is no question of payment of any back-wages and it would be taken as if the person had retired and on such basis, all retirement benefits should be made available to the present petitioners. This may be calculated and necessary payment may be made within a period of 3 (three) months from the date of receipt of communication of this order. The petitioners have also prayed for appointment on compassionate grounds if there is any vacancy and therefore, if appointment on compassionate grounds is permissible in the Society, the application filed by any of the eligible petitioners may be considered in accordance with law. Subject to the above directions, the writ petition is disposed of. Consequently, W.P.M.P.No.6640 of 2000 is closed.

Index : Yes

Website : Yes

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Copy to:

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Societies, Gobichettipalayam,
Erode District.